



COMMONWEALTH of VIRGINIA
Office of the Attorney General
Richmond 23219

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Attorney General

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MEMORANDUM

TO: BRIAN MCCORMICK
Regulatory Supervisor
Department of Medical Assistance Services

FROM: USHA KODURU
Assistant Attorney General

DATE: October 1, 2009

SUBJECT: Final Regulations to Establish Limited Coverage of Substance Abuse Treatment Services

I have reviewed the attached final regulations that allow for limited coverage of substance abuse treatment services for children and adults. You have asked the Office of the Attorney General to review and determine if DMAS has the legal authority to promulgate the final regulations and if the final regulations comport with state and federal law. The 2007 Acts of Assembly, Chapter 847, Item 302 PPP directs DMAS to amend the State Plan to provide coverage for these services. Based on that review, it is my view that the Director, acting on behalf of the Board of Medical Assistance Services, pursuant to Virginia Code § 32.1-324, has the authority to promulgate these changes to the regulations and has not exceeded that authority.

These substance abuse treatment services include emergency services, evaluation and assessment, outpatient services, intensive outpatient services, targeted case management, day treatment and opioid treatment services. Since these regulations amend the State Plan, subsequent approval by CMS may be required.

If you have any questions about this matter, please contact me at 786-4074.

Attachments

cc: Kim F. Piner, Esquire